

Appl. No. 09/996,663
Atty. Docket No. 8794
Amdt. dated January 5, 2006
Reply to Office Action of 10/05/2005
Customer No. 27752

REMARKS

Claim Status

Claims 1-20 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to correct a typographical error in line 4, "an" has been amended to "and".

Claim 18 has been amended to remove a redundant instance of "a container body", to correct a typographical error in line 5 of the claim changing "an" to "and" and to alter the language regarding the slider to provide that the slider is movable along the fastener. Support for these changes may be found in the specification at page 2 line 28.

Rejection Under 35 USC §112, First Paragraph

The Office Action rejects claim 1-20 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claim 1 to clarify that the track comprises a track fastener portion. Claim 2-17 depend ultimately from claim 1. Claims 18-20 do not depend from claim 1 and also do not contain the offensive language. Applicants request clarification from the Office regarding the 35 USC §112 rejection of claims 18-20.

Rejection Under 35 USC §102 Over Hupp (WO 01/51378)

The Office Action rejects claims 1-20 as anticipated by Hupp. The Office Action provides that the inclined surface of the fastener of the reference is a ramp and that portion 64 of the reference is also a ramp that extends from the first end of the closure further having an inclined surface extending out of the plane of the fastener. Applicants respectfully traverse this rejection.

Applicants claim a ramp extending from the plane formed by the combination of two fastener portions to form a reclosable fastener. Specifically, Applicants claim a two part fastener that defines an X-Y plane when the two parts are engaged. Applicants further claim a ramp extending from the defined X-Y plane. The Office Action makes reference to an inclined surface of the reference. This inclined surface appears to be a reference to a single fastener portion when uncombined to form a reclosable fastener. The reference does not teach or suggest a surface extending out of the plane of the fastener

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comprised of a combination of a first and second fastener portions. The combination of the lid and body of the reference container yields an X-Y plane, the fastener portions of the lid and body lie in the plane of the reclosable fastener when the two portions combine to form the fastener. Item 64 also lies in this plane. Nothing in the reference teaches or suggests a ramp extending out of the plane of the reclosable fastener.

As to claim 17, a reclosable fastener that defines more than one plane still defines an X-Y plane and may also comprise a portion of a container which includes a ramp extending out of the X-Y plane. Nothing in the language of the independent claim limits the reclosable fastener to defining a single plane.

Applicants respectfully request that the rejection under 35 USC §102 be reconsidered and withdrawn.

Applicants gratefully acknowledge the recognition of claims 18-20 as allowable subject matter. Applicants submit that the remaining claims are also allowable considered in the light of the above remarks. of the current amendments

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §§ 102, 112. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-20 is respectfully requested.

Respectfully submitted,

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By


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